

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Metro Birch Enterprises, Inc.

Licensee of Station KBPA(AM)
Pine Bluff, Arkansas

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File No.: EB-02-OR-195
NAL/Acct. No. 200232620008
FRN 0007-2843-67

FORFEITURE ORDER

Adopted: January 28, 2003

Released: January 30, 2003

By the Chief, Enforcement Bureau:

1. In this *Forfeiture Order* ("Order"), we issue a monetary forfeiture in the amount of seventeen thousand dollars (\$17,000) to Metro Birch Enterprises, Inc., ("Metro Birch") licensee of Station KBPA(AM), Pine Bluff, Arkansas, for willful violation of Sections 73.49 and 73.3526(a)(2) of the Commission's Rules ("Rules").¹ The noted violations involve Metro Birch's failure to enclose the station's antenna tower within an effective locked fence and failure to maintain all of the required items in the station's public inspection file.

2. On July 22, 2002, the District Director of the Commission's New Orleans, Louisiana Field Office ("New Orleans Office") issued a *Notice of Apparent Liability for Forfeiture* ("NAL") in the amount of \$17,000 to Metro Birch.² Metro Birch has not filed a response to the NAL. Based on the information before us, we affirm the forfeiture.

3. **ACCORDINGLY, IT IS ORDERED THAT**, pursuant to Section 503(b) of the Communications Act of 1934, as amended ("Act"),³ and Sections 0.111, 0.311 and 1.80(f)(4) of the Rules,⁴ Metro Birch **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$17,000 for willfully violating Sections 73.49 and 73.3526(a)(2) of the Rules.

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within 30 days of the release of this *Order*. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.⁵ Payment shall be made by mailing a check or similar instrument, payable to the order of the "Federal Communications Commission," to the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note NAL/Acct. No. 200232620008, and FRN 0007-

¹ 47 C.F.R. §§ 73.49 and 73.3526(a)(2).

² *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200232620008 (Enf. Bur., New Orleans Office, released July 22, 2002).

³ 47 U.S.C. § 503(b).

⁴ 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

⁵ 47 U.S.C. § 504(a).

2843-67. Requests for full payment under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.⁶

5. **IT IS FURTHER ORDERED THAT** a copy of this *Order* shall be sent by first class mail and certified mail, return receipt requested, to Metro Birch Enterprises, Inc., 219 West 5th Street, Pine Bluff, Arkansas 71601.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁶ See 47 C.F.R. § 1.1914.